



# HISTORIC PRESERVATION

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The New Jersey State Development and Redevelopment Plan recognizes that the preservation of New Jersey's significant cultural resources benefits the physical, environmental, and economic quality of life and ensures the retention of the sense of place fundamental to all successful communities. Its vision encompasses the development of new communities that not only conserve today's cultural and natural resources, but will themselves become the subjects of preservation efforts in the next century.

The State Plan includes goals and strategies designed to support historic preservation. Indeed, one of the eight State Plan goals is to "preserve and enhance historic, cultural, open space and recreational lands and structures." The Plan also includes 12 statewide policies for historic, cultural and scenic resources.

## A Historic Preservation Perspective

This article originally appeared in the Office of State Planning (OSP) Memo, in April 1996. It was prepared jointly by the HPO and the OSP. The HPO felt it deserved reprinting to reach a broader audience of historic preservation professionals and advocates.

### WHAT IS HISTORIC PRESERVATION?

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Historic preservation is the identification, evaluation, and protection of historic and archaeological resources so that they continue to play an integral, vibrant role in their communities. New Jersey's historic properties and the environment in which they exist are irreplaceable assets that contribute to the quality of life that residents enjoy and expect.

Historic properties are the physical links to our past, providing meaning to the present and continuity with the future. They are the physical records of the events and people that shaped New Jersey's history. Historic properties add visual and intellectual spirit to the physical environment that New Jersey residents experience daily.

Historic properties have both economic and cultural value. They provide a sense of continuity with the past, attract visitors, create a sense of civic pride and provide opportunities to enrich the education of our children.

Historic preservation is more than saving old structures; it also includes conserving scenic views and natural landscapes that are a part of our daily lives. These are treasures we will surely miss if they are significantly

altered or destroyed.

The economic benefits of historic preservation are gaining visibility, as illustrated by the preliminary findings of a study being conducted for the New Jersey Historic Trust by the Rutgers University Center for Urban Policy Research. The study, funded by the National Park Service, shows that every \$1 million invested in rehabilitating historic residential properties in New Jersey generates nearly 75 jobs and \$2.5 million in economic activity on the national level. Within the state, the same investment generates 25 jobs



**Binghamton Ferryboat, Edgewater, Bergen County, ca. 1945-53**

and \$1.1 million in economic activity. For each dollar of in-state funding matched by outside dollars, the in-state impacts are doubled, the study reveals.

Historic preservation is a recognized public policy and activity. Supported and implemented at the national, state, and municipal levels, it is undertaken by individuals, organizations, and government. In New Jersey, the public commitment to implement historic preservation is defined by three distinct designation types: the National Register of Historic Places, the New Jersey Register of Historic Places, and designation by a municipality pursuant to the authority of the New Jersey Municipal Land Use Law, the state enabling legislation for planning, zoning and

land development regulation.

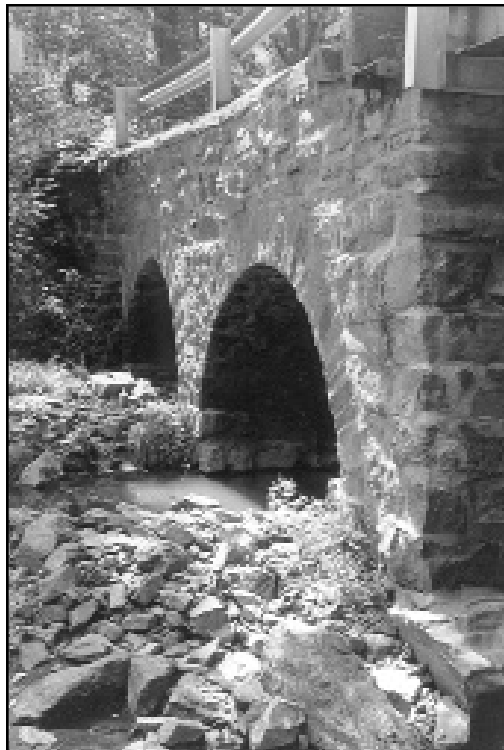
In addition, various state, county and municipal agencies that promote economic development, affordable housing and natural resource conservation meet their objectives by promoting historic preservation. For example, the New Jersey Housing and Mortgage Finance Agency's low-income tax credit program, the state Green Acres program for open space conservation, and the N.J. Department of Transportation's program of "Local Aid for Centers" all seek to coordinate activities with local historic preservation efforts. State Plan policies support those programs, as well as "Main Street" programs that aid in protecting historic sites and structures during the revitalization of traditional downtown areas. Scenic Byways programs on the State and County levels also promote the objectives of historic preservation.

### **NATIONAL REGISTER OF HISTORIC PLACES**

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The first national register was established by Congress in 1935 with the passage of the Historic Sites Act. This act directed the Secretary of the Interior to designate properties of national importance as National Historic Landmarks.

The National Historic Preservation Act of



**Rock Brook Bridge,  
Montgomery Township, Somerset County**

1966 established the National Register of Historic Places as the official list of national historic resources worthy of preservation. This act also expanded the National Register to include buildings, structures, sites, objects, and districts significant in state or local, as well as national, history.

The benefits of National Register listing include recognition of significance, eligibility for federal investment tax credits for the rehabilitation of income-producing properties, and consideration in the planning of federal or federally-assisted projects. The National Register does not place restrictions on the actions of private property owners.

The National Historic Preservation Act also authorized the creation of a historic preservation program in each state, with a state historic preservation officer appointed by the governor, to administer historic preservation activities. In New Jersey, the State Historic Preservation Officer is the Commissioner of the Department of Environmental Protection (DEP). The DEP Commissioner is also a member of the State Planning Commission.

The State Historic Preservation Office (HPO) is located within the DEP's Division of Parks and Forestry. The HPO processes nominations to the National Register of Historic Places, implements state and federal preservation programs and provides guidance and technical assistance to the public, agencies and private entities.

### **NEW JERSEY REGISTER OF HISTORIC PLACES**

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The New Jersey Register of Historic Places Act of 1970 (N.J.S.A. 13:1B-15.128 et seq.) established the New Jersey Register of Historic Places as the state's official list of historic resources. The New Jersey Register is modeled after the National Register and uses the same criteria for evaluating the eligibility of resources and the same forms for nominating properties. Nominations to the New Jersey Register and applications for authorization of projects affecting properties listed on it are both processed by the HPO.

Listing on the New Jersey Register of Historic Places provides recognition of a property's historic importance and assures protective review of public projects that might adversely affect the character of the historic property. All public undertakings affecting registered properties are subject to review and approval in accordance with the New Jersey Register of Historic Places Act and are implemented through state regulations

(N.J.A.C. 7:4 et seq.).

For private property owners, listing in the New Jersey Register of Historic Places does not mean that limitations will be placed on the property by the state or federal government. Within the limits of municipal zoning laws, private property owners are free to utilize, renovate, alter, sell or demolish their properties.

## **MUNICIPAL HISTORIC PRESERVATION**

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The most effective protection of historic resources is designation and regulation at the municipal level. As noted, listing on either the New Jersey or National Register of Historic Places does not bar a private property owner from altering or even demolishing a listed property.

The Borough of Haddonfield in Camden County initiated the first municipal designation of historic properties as early as 1971. In 1985, municipal regulation of historic resources was challenged in the courts, when the New Jersey Supreme Court declared invalid an ordinance designating and regulating historic sites and districts in Middletown Township, Monmouth County. This challenge to the designation of historic resources led to an amendment to state land-use law to permit the identification and designation of historic sites and districts as part of the municipal planning and zoning process.

## **MUNICIPAL LAND USE LAW**

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Local governments in New Jersey derive their authority to identify, evaluate, designate and regulate historic resources from the state Municipal Land Use Law (MLUL), the enabling legislation for historic preservation zoning (N.J.S.A. 40:55D-1 through 136).

Successful preservation requires careful planning. The MLUL recognizes this relationship between planning and protection by including a historic preservation plan element as an optional element of the municipal master plan. Article 3, "Master Plan," (C.40:55D-28 b.10) defines the historic preservation plan element as:

### **A historic preservation plan element:**

- (a) indicating the location and significance of historic sites and historic districts;

- (b) identifying the standards used to assess worthiness for historic site or district identification; and

- (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts.

The Municipal Land Use Law requires that all historic sites and historic districts designated in local zoning ordinances be based on identifications in the historic preservation plan element of the Master Plan (c. 40:55D-65.1). Thus if a municipality has an ordinance to protect historic places, it must also have a related historic preservation element.

Some of the most recent municipal Historic Preservation elements and ordinances have included photographs and drawings. In certain instances, these pictures have been incorporated in place of text to provide a vision of preservation efforts in the community. The latest technology now enables municipal officials to create three-dimensional plans and ordinances.

The State Plan supports local preservation efforts by including a policy on municipal programs that recommends the inclusion of historic surveys and scenic corridors in local master plans. Another policy seeks to coordinate the identification of historic areas, historic sites, landscapes, archeological sites and scenic corridors for inclusion in registers and planning documents. These places may be designated as "Critical Environmental/Historic Sites" (CEHS) on local plans and the Resource Planning and Management Map of the State Plan.



**"Lucy the Elephant", Margate, Atlantic County**

## Identification And Evaluation

Identification is a fundamental part of any comprehensive plan or program designed to protect historic resources. Identification is undertaken for the purpose of locating historic properties and integrating them into the overall planning process. Field survey, research, and historic and archival analysis are all part of the process of identification.

In the built environment, historic preservation includes buildings, structures, objects, sites, and districts. The National Register of Historic Places defines these terms:

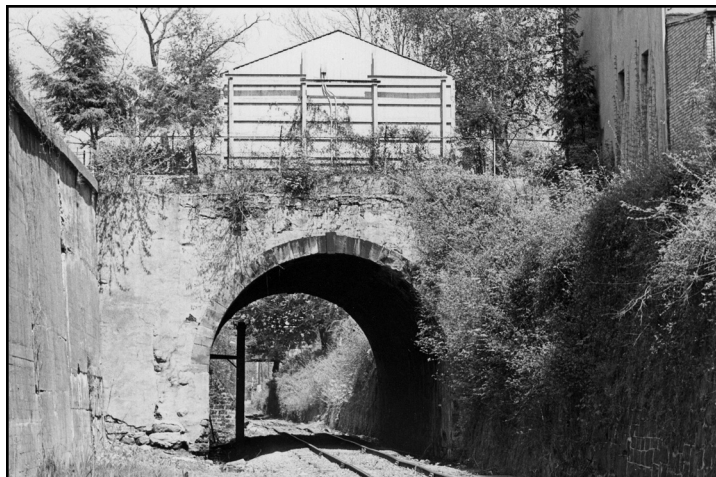
- Building:** any structure created to shelter human activity; examples would include, houses, barns, schools, railroad stations, theaters, factories.
- Structure:** any construction other than a building; examples would include bridges, lighthouses, water towers, tunnels, and civil engineering structures such as a canal.
- Object:** a construction of functional, aesthetic, cultural, historical or scientific value, that may be moveable but is also generally related to a specific setting or environment; examples would include boats, locomotives, monuments, sculptures.
- Site:** the location of a significant event, prehistoric or historic activity or remnant of a building or structure, such as a battlefield, landscape or the ruins of a building or structure.

**District:** a geographically definable area containing buildings, structures, objects and/or sites that are linked historically or aesthetically by plans or physical development and acknowledged to possess collective importance.

As interest in historic preservation has grown, the concept of what should be evaluated and preserved has broadened. This evolution of historic preservation practice has linked the preservation of these five categories of historic resources to the protection of scenic, rural, and cultural landscapes, scenic and historic corridors, and “greenways” and “blueways.”

This evolving practice is recognized and supported by the policies of the State Plan in establishing regional, publicly accessible greenways both to preserve historic corridors and to provide passive and active recreational and cultural opportunities. For example, the Delaware and Raritan Canal, still functioning as a water supply canal, linear park, and scenic and recreational corridor, is listed on the New Jersey and National Registers of Historic Places.

The State Plan also encourages the identification, delineation, protection and preservation of scenic corridors. The former Central Railroad of New Jersey main line, a historic transportation corridor across northern New Jersey now operated by NJ Transit as the Raritan Valley Line, has recently been recognized by the Keeper of the National Register as a linear historic district eligible for listing. These historic properties illustrate both the contemporary value and the multiple identities and uses of historic properties.



**Railroad Underpass, Farnsworth Avenue, Bordentown,  
Burlington County**

Linked with the identification of historic resources is the evaluation of significance. Evaluation applies criteria of significance and integrity to establish the priorities of registration, designation and protection. The National Register of Historic Places Criteria of Eligibility is the most commonly applied standard for evaluating the significance and integrity of historic resources.

To be eligible for the New Jersey and National Registers of Historic Places, a building, structure, object, site or district must be significant in American history, architecture, archaeology, engineering or culture at the national, state or local level and possess integrity of location, design, setting, materials, workmanship, feeling and association. Significance is evaluated using the four Criteria of Evaluation:

- Criterion A:** Associated with events that have made a significant contribution to the broad patterns of our history
- Criterion B:** Associated with the lives of persons significant in our past
- Criterion C:** Embodying the distinctive characteristics of a type, period, or method of construction, or representing the work of a master or possess high artistic values, or representing a significant or distinguishable entity whose components may lack individual distinction
- Criterion D:** Have yielded or may be likely to yield information important in prehistory or history.

Information regarding the New Jersey and National Registers, including the application of the National Register Criteria for Evaluation and guidelines for assessing significance, is available from the HPO.

### Historic Preservation Commissions

Since 1986, amendments to the MLUL have enabled municipalities to designate and protect historic sites and districts. Historic preservation designation at the municipal level is a separate action that is not connected to listing in either the New Jersey or the National Register of Historic Places.

More than 140 municipalities have established local commissions to aid preservation activities. Municipalities with historic preservation commissions and State Plan center designation include: Camden, Hopewell Borough, Jersey City, Newark, Newton, Paterson, Trenton and Woodstown. State Plan center designation does not require historic preservation designation, but efforts to coordinate both types of planning should be encouraged.

Sections 107 through 112 of the MLUL define the organization, responsibilities and powers of historic preservation commissions established by municipal ordinance. The identified responsibilities of commissions are:

- ◆ preparing a survey of historic sites of the municipality pursuant to criteria identified in the survey report;
- ◆ making recommendations to the planning board on the historic preservation plan element of the master plan and on the implications for preservation of historic sites of any other master plan elements;
- ◆ advising the planning board on the inclusion of historic sites in the recommended capital improvement program;
- ◆ advising the planning board and board of adjustment on applications for development pursuant to section 24 of P.L. 1985, c. 516 (C.40:55D-110);
- ◆ providing written reports pursuant to section 25 of P.L. 1985, c. 516 (C.40:55D-111) on the application of the zoning ordinance provisions concerning historic preservation; and
- ◆ carrying out other advisory, educational and informational functions to promote historic preservation in the municipality.

Although listing in the New Jersey and National Registers of Historic Places may give added recognition to historic properties and encourage additional preservation activity, neither New Jersey nor National Register listing interferes with a private property owner's right to use, alter or dispose of a historic property. Historic preservation efforts

affecting private property are therefore limited to actions enabled by the Municipal Land Use Law.

### **Historic Preservation Ordinances**

Communities may adopt a zoning ordinance that designates and regulates historic sites or historic districts and establishes design criteria and guidelines. Historic preservation designation is described as an “overlay” to zoning because, as Section 65.1 of the MLUL states, historic designation is “in addition to such designation and regulation as the zoning ordinance may otherwise require.”

Historic preservation ordinances vary among municipalities in the degree of authority granted to commissions to protect designated historic properties. More than 90 New Jersey municipalities have historic preservation ordinances.

The strongest ordinances allow the historic preservation commission to review proposed alterations, new construction, and demolitions affecting designated historic properties and to make binding decisions regarding the issuance or denial of municipal permits. An alternative approach to permit review grants the planning or zoning board the decision-making authority after the historic preservation commission has issued a recommendation.

Ordinances adopted pursuant to the requirements of the MLUL generally contain:

- ◆ a statement of purpose and intent;
- ◆ definitions of terms, such as alterations, improvements, demolition, historic properties, etc.;
- ◆ criteria and procedures for the designation of historic sites and districts;
- ◆ procedures for the review of alterations, new construction and demolition affecting designated historic properties;
- ◆ standards and guidelines for historically appropriate and compatible alterations and new construction (design guidelines).

### **Design Guidelines**

As with criteria for evaluating historic significance and integrity, design guidelines provide an objective, uniform and consistent foundation for making decisions on alterations, new construction or demolition affecting historic properties. State Plan policies recommend that municipalities incorporate into their planning and development review activities design guidelines that protect the character of historic sites, landscapes and structures; promote adaptive re-use; and enable development and redevelopment that maintain, complement and enhance scenic and cultural values.

Design guidelines are formulated on the basis of the historic and architectural character of the designated historic properties. The goal of design guidelines is to ensure the appropriate treatment or sensitive alteration of historic properties, the maintenance and retention of historically and architecturally significant details, and the visual compatibility of new construction in historic districts. Design guidelines are the legally adopted standards used to guide the decisions of historic preservation commissions and to help residents and property owners protect and enhance designated historic properties and districts.

The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings is one nationally acknowledged resource for preparing design guidelines. The Standards and Guidelines establish a basic historic preservation philosophy of identifying, retaining, and preserving the form and details of historic properties. This philosophy is implemented through a hierarchy that emphasizes maintaining and protecting first, repairing second, and replacing only when maintenance or repairs are not feasible or cost-effective. The Standards and Guidelines also include guidance for replicating or reconstructing missing elements and adding to or altering historic properties.

In preparing design guidelines that satisfy the needs of municipal historic designation, the general recommendations from the Standards and Guidelines are amplified and customized by incorporating historical data on the physical and spatial development of the community and information on the height, size, setbacks, construction materials and architectural style(s) of designated historic properties. Design guidelines often focus on building facades, materials and surface treatments, windows, entrances and porches,

doors, and ornamental details such as cornices and trim. Design guidelines for commercial historic districts would also include recommendations for storefronts and signs.

Guidelines for new construction include the details specified above as well as “visual compatibility factors.” These factors relate to siting (setback and orientation to the street), size and scale, directional emphasis (vertical or horizontal) and rhythm (the relationship of solids to voids in building facades and the relationship of built to open spaces).

## STATE PLAN AND HISTORIC PRESERVATION

With the adoption of the New Jersey State Development and Redevelopment Plan, historic preservation planning has begun to integrate municipal protection of historic resources with implementation of the goals and objectives of the State Plan at the local level. Two municipalities that have begun the process of integrating historic preservation with the goals and objectives of the State Plan — and with the Centers designation process in particular are the Town of Newton in Sussex County and West Milford Township in Passaic County.

Newton, the county seat, in September 1993 became the first municipality designated a Regional Center by the State Planning Commission. It has maintained a municipal historic preservation ordinance and commission since 1987.

In 1994, the HPO awarded Newton a grant to update the historic preservation element of its municipal master plan. Additional grant-funded work the following year produced site plan and design guidelines for one residential and one commercial historic preservation target area.

West Milford also received a grant to prepare the historic preservation element of its master plan, which expanded greatly upon

the scope of the conventional preservation element. Among the subjects examined in the West Milford element were the anticipated patterns and location of development and redevelopment, the delineation of identified or planned “Centers” as defined by the State Plan, and the physical relationship between Centers and historic sites and districts. The element also evaluated strategies and actions to protect historic resources and integrate them into Centers — including the use of historic districts as models for development within Centers and the use of historic preservation design guidelines for development in historic districts in or next to Centers.

In integrating the State Plan and historic preservation, we find that historic preservation is as much about the future as it is about the past. The State Plan defines “Community of Place” as a “dynamic, diverse, compact and efficient center that has evolved and been maintained at a human scale, with an easily accessible core of commercial and community services, residential units and recognizable natural and built landmarks and boundaries that provide a sense of place.” The Community of Place is the contemporary expression of a historic community or district.

In drafting and implementing the State Plan we have learned that we must identify and protect historic resources not only because of their links to our past, but also because of their ability to shape our future. Historic preservation helps us identify the enduring and valuable, and provides a model for planners, developers and builders. By identifying the features of the built environment that we collectively value, we can use them to upgrade the quality of design today and to create the historic resources of tomorrow. ♦

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